IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ram Chandra. Versus Dinesh Soni.

S.B. Criminal Misc. Petition No.1419/2006

and

Ram Chandra. Versus Dinesh Soni.

S.B. Criminal Misc. Petition No. 1430/2006.

...

Date of Order: November 10, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr.J.V.S. Deora, for the petitioner.

BY THE COURT:

Heard learned counsel for the petitioner(s). Perused the material available on record.

By the instant criminal miscellaneous petitions under Section 482 Cr.P.C., the petitioner seeks quashing of proceedings in complaint cases No. 390/2004 and 391/2004 instituted on the complaints lodged by the non-petitioner under Section 138 of the Negotiable Instruments Act, 1881.

It is contended by the learned counsel for the petitioner that the complaints were pre-mature and, therefore, the criminal proceedings against the petitioner deserve to be

quashed.

Keeping in view the decision of the Hon'ble Supreme Court in Narsingh Das Tapadia Vs. Goverdhan Das Partani & Anr., (2000) 7 SCC 183, these are not the fit cases for quashing the proceedings. In the instant cases, it has not been disputed by the petitioner that cheques were issued by him in favour of the non-petitioner, which, on presentation to the bank were dishonoured on account of "insufficient funds" and notices were sent to the petitioner on 14-7-2006, which were served on the petitioner on 15-7-2006 and thereafter the complaints were filed, though prior to expiry of fifteen days from the date of receipt of the notice but from the record, it is clear that neither the petitioner paid the cheque amount within fifteen days from the date of receipt of the notice, nor thereafter before taking the cognizance by the trial Court on 24-8-2004. In the instant matters, no case for quashing the complaints is made out.

The criminal miscellaneous petitions are, therefore, dismissed.

(H.R. PANWAR), J.

mcs